

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION

PENTHOUSE OWNERS ASSOCIATION, INC.

PLAINTIFF

V.

CIVIL ACTION NO.1:07CV568 LTS-RHW

CERTAIN UNDERWRITERS AT LLOYD'S, LONDON

DEFENDANT

**MEMORANDUM OPINION AND ORDER ON MOTION IN LIMINE
TO EXCLUDE TESTIMONY CONCERNING FLOOD INSURANCE POLICY**

The Court has before it the motions [277] [283] *in limine* of Penthouse Owners Association, Inc. (Penthouse) to exclude certain anticipated testimony concerning the terms of the flood insurance policy in force at the time of Hurricane Katrina. This motion will be granted.

As I understand the facts of this case, Penthouse had in force a flood insurance policy covering the same property insured under the policy issued by Certain Underwriters at Lloyd's, London. The policy limits of coverage under this flood policy, approximately \$3.5 million, have long since been paid. While I can understand that statements made during the negotiations that led to the issuance of the flood policy might have some relevance to the issue of valuation, I do not believe the terms of the flood policy require any explanation or interpretation in these circumstances.

Accordingly, it is

ORDERED

That the motion [277] of Penthouse Owners Association, Inc., to exclude testimony concerning the proper interpretation of the terms of the flood insurance policy in effect at the time of Hurricane Katrina, as amended by docket entry [283], is hereby **GRANTED**.

SO ORDERED this 26th day of January, 2009.

s/ L. T. Senter, Jr.
L. T. SENTER, JR.
SENIOR JUDGE